R E M A R K S

The Examiner cites a new reference Ueda in rejecting claims 43-59 under 35 U.S.C. §103 as unpatentable over Hu in view of Ueda.

At the outset, an understanding of what the Hu reference teaches is critical.

As shown in Figure 8, a server bypass device is provided having the switching element 101 and a routing control 100. Data from the network 130 is sent by the switching element either to the storage or to the server 120. Hu identifies four categories of data at column 5, lines 40-51. Category 1 is real time data sent from network 130 to the storage. Category 2 data is non-real-time data sent from network 130 to the storage. Category 3 is server oriented traffic data sent from the network 130 to the server 120. Category 4 is all other types of data which is sent from the network 130 to the server 120 as a default.

At column 5, line 52, Hu clearly teaches that both the category 1 real-time and the category 2 non-real-time data transfer is from the network 130 to the storage while categories 3 and 4 is a data transfer to the server 120 in Fig. 8.

As disclosed at column 6, lines 1-18 of Hu, *all of the data* is divided into segments regardless of whether it is in application categories, 1, 2, 3 or 4.

At column 6, lines 19-25 the expanded routing table (ERT) is described as shown in Figure 14. As illustrated in Fig. 14, this expanded routing table sends the segmented data if it is real-time to the destination storage (Category 1) and the segmented non-real-time data (Category 2) to the destination storage.

Now it will be described why the claim language of claim 43 readily distinguishes over the combination of Hu as the primary reference combined with Ueda.

The Examiner cited Ueda only for the well known structure of a network sending data to a print server and then from the print server to the printer. This is shown in Ueda Figure 1.

The Examiner would substitute these teachings of Ueda into Figure 8 of Hu so that the network 130 shown in Hu Fig. 8 would be a print data network and the server 120 in Figure 8 of Hu would be a print server connected to a printer.

Assuming these substitutions, Hu clearly still would not suggest claim 43. First, claim 43 recites a first print data server such as shown in Applicants' Fig. 2 with the supplying computer module shown at 15 which supplies print data on line 14. A reading computer module shown at 16 reads the supplied print data on line 14. As recited in dependent claim 49, this reading computer module 16 may be running on a second print data server 11 or, as recited in dependent claim 50, both the supplying computer module and the reading computer module may be running on the first server. The Examiner is analogizing in Figure 8 of Hu the network 130 as being the supplying computer module and the server 120 as being the reading computer module that reads the supplied print data.

Claim 43 goes on to recite selecting one of the following transmission modes: 1) a complete storage before the reading; 2) a segment-by-segment storage so that the reading of one segment can be begin while other segments are still being supplied; and 3) a direct transmission between the supplying module and the reading module *without buffering*. For the complete storage, the Examiner relies on Hu category 2 – non-real-time data transfer. For the segment-by-segment storage and reading the Examiner relies on Hu column 6, lines 1-18. For the direct transmission, the Examiner relies on the real-time data transfer category 1 of Hu at column 5, line 41.

First it is noted that even with Hu's category 1 real-time data transfer *that it is segmented* according to column 6, lines 1-18. But claim 43 requires a direct transmission without buffering. But segmenting is buffering. Thus Hu teaches away because he segments the real-time transfer. Thus there is no direct transmission without buffering as recited in claim 43.

Secondly, Hu clearly teaches that the real-time and the non-real-time transfer is to a storage *and not to the server 120*. There is no reading of the supplied print data at a reading computer module but only a storage of the data in the storage by a *writing*. Thus Hu teaches away.

Thirdly, claim 43 recites that for the segment-by-segment storage there is reading of the segment while the supplying computer is still supplying print data. There is no disclosure of this anywhere in the segmentation disclosure of Hu at column 6, lines 1-18.

Fourthly, claim 43 next recites controlling the selecting of the transmission mode by at least one control parameter predetermined in a print job manager. For this the Examiner cites the Expanded Routing Table (ERT) at column 6, line 20 of Hu. But this routing table ERT *as shown in Figure 14 does not control segmenting or no segmenting, and does not control real-time or non-real-time transfer.* Rather, if the data is real-time it routes the data to a storage, if it is non-real-time it routes the data to a storage, and if it is local it routes the data to the server S shown at 120 in Figure 8. Thus the ERT is *not controlling the selection of the transmission mode* but is only controlling the destination for the data either between storage or the server S at 120 in Figure 8. Thus Hu clearly does not disclose this controlling element of claim 43 for selecting the transmission mode.

Fifthly, claim 43 distinguishes by reciting also controlling the selecting of the transmission mode dependent on the print job. But the real time data transfer or the non-real-time transfer at column 5, lines 41-46 of Hu *in both cases* goes to a storage and there is no change from real-time to non-real-time data transfer based on the type of print job. Also segmenting in Hu occurs 100% of the time and therefore whether to segment or not is clearly not dependent on the print job.

Since claim 43 distinguishes over Hu combined with Maeda for five separate reasons, any one of which is clearly sufficient to clearly distinguish, reconsideration of the new rejection is respectfully requested.

Claim 43 readily distinguishes for all the reasons noted above and the Examiner should allow this claim.

Dependent claims 44-50 are allowable at least for the reasons claim 43 is allowable and also by reciting additional features not suggested.
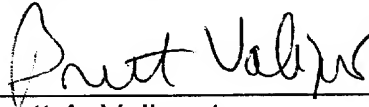
Independent claim 51 is allowable at least for the reasons claim 43 is allowable and also by reciting additional features not suggested.

Independent claim 52 is allowable at least for the reasons noted with respect to claim 43. Dependent claims 53-59 are allowable at least for the reasons claim 52 is allowable and also by reciting additional features not suggested.

Allowance of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Respectfully submitted,

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